Remarks

For the reasons given below, it is respectfully requested that the subject claims, as amended, be reconsidered, and that the amended and newly added claims be allowed. The amended and new claims find support in applicant's specification at, for example: page 13, line 25 to page 14, line 1; page 15, lines 5-16; page 17, lines 23-27; page 19, line 25 to page 20, line 2; page 21, line 3 to page 23, line 18.

Claims 1-40 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Nielsen (U.S. Patent No. 5,826,031, hereinafter "Nielsen").

Regarding Claim 1, the Examiner stated that Nielsen discloses that the claimed feature of an apparatus (See Abstract, Fig 1) comprising

a) at least one processor (See Fig 1)

b) a memory coupled to the at least one processor (See Fig 1)

c) an image file residing in the memory, the image file defining higher priority portions and lower priority portions such that when the image file is transferred, the higher priority portions of the image file are transmitted before the lower priority portions of the image file. (See Fig 1, Abstract, col 1 line 51-57).

The Examiner admitted that Nielsen does not specifically disclose that "image file". However, the Examiner stated that Nielsen discloses "a web page", which includes a web objects (e.g. image file) and a web file. (See col 1 line 20-23, col 1 line 39-col 2 lines 23) The Examiner stated that the motivation would have been to retrieve more important objects faster than less important objects, as disclosed in Nielsen. (See col 1 line 58-63) The Examiner stated that according to the on-line computer dictionary, web page is defined as "a web page consists of an HTML file, with **associated** files for graphics and scripts, in a

particular directory on a particular machine". (Emphasis added) The Examiner then stated that from this definition of web page, it is reasonable to interpret "web page" as "an image file", as claimed by Applicant's invention. Also, the Examiner stated that the high ranked web object (e.g. image file) can be considered as higher priority portions of single file web page, and the low ranked web objects can be considered as lower priority portions of web page. The Examiner concluded that therefore, it would have been obvious to one skilled in the art to have "image file" in the teaching of Nielsen.

Applicant respectfully disagrees and submits that Applicant's claimed invention is patentably distinct over Nielsen. Applicant strongly disagrees with Examiner's interpretation that it would have been obvious to have "an image file", as formerly claimed by Applicant's invention, in the teaching of Nielsen. Nevertheless, even with this interpretation of Nielsen, Nielsen does not disclose or teach, as recited in applicant's amended claim 1, applicant's claimed invention of a "**graphics file** residing in the memory" with the "**graphics file defining higher priority portions and lower priority portions**" such that when the graphics file is transferred, the "**higher priority portions** of the graphics file are **transmitted before** the **lower priority portions** of the graphics file." Independent claims 8, 14, 23, 31 and 35 have been amended to include similar limitations.

Particularly, the **graphics file** of the claimed invention "**defin[es]** higher priority portions and lower priority portions." See independent claim 1 for example. Thus, the **graphics file** of the claimed invention embodies/includes/contains within itself "higher priority portions and lower priority portions" (i.e., the **graphics file** is a single, self-contained file in the sense that it defines/contains internally "higher priority portions and lower priority portions" as opposed to referencing external elements or objects outside itself).

To further illustrate the single, self-contained nature of the **graphics file** of the claimed invention, Examiner is referred generally to Applicant's specification at page 21, line 3 to page 23, line 18 and to FIG. 5. Specifically, as stated in Applicant's specification, "An example graphics file, which contains a prioritized image, is shown in FIG. 5. Prioritized file 500 begins with a header 510. Header 510 contains data used to indicate the type of file format, compression being used, size of file, etc. . . . After header 510 is the location 520 of the highest priority image . . . this location will usually be a relative location from a particular starting point in a graphics file . . . Next, the highest priority image portion, after compression or interlacing, is placed in location 530. The second-highest priority image portion is then placed in locations 540 and 550 by placing the location 540 and data 550 into the file. This continues until the lowest priority portion of the image is placed into the file in locations 560 and 570 . . . Different file formats will require different headers, footers, data locations, etc., and the file format shown in prioritized file 500 can be modified as necessary to support and store an image that has been partitioned into prioritized portions." Applicant's specification at page 21, line22 to page 22, line 10. Thus, an entire image partitioned into prioritized portions is defined/contained within a single graphics file. Additionally, as set forth in new claims 41-49, thereby further illustrating the single, self-contained nature of the **graphics file** of the claimed invention, the **graphics file** can comprise a **joint picture experts group file**, a **graphics interchange format file**, or a **bitmap file**.

The claimed invention is also one in which a **graphics file** is defined into higher and lower portions, and then **transmitted** with **higher priority portions** transmitted **before lower priority portions**. As described in Applicant's specification, this allows the user to see and act upon the higher priority portions of an image even before all the portions of that image are downloaded to the computers. See Applicant's specification at page 10, lines 5-16.

To the contrary, Applicant submits that Nielsen does not disclose the claimed invention. Instead, Nielsen discloses a invention where the different elements or objects that make up a web page are downloaded in a specified order. Thus, instead of a "**graphics file** residing in the memory" with the "**graphics file defining higher priority portions and lower priority portions**" (i.e., instead of internally dividing a graphics file into higher priority portions and lower priority portions), Nielsen prioritizes different external elements or objects among themselves. Applicants note that web pages are commonly implemented using a markup language known as hyper-text-markup language, or HTML. The HTML language is then used to define the structure and behavior of the web page. Included in this, is the ability of HTML to reference other files that will be incorporated into the web page. For example, HTML documents can reference graphics files, audio files, applets or other elements, by specifying their file location and how they are to be incorporated into the web page. However, these other elements are not part of the base HTML file itself, but are instead separate files that are referenced by the HTML file. When a web browser downloads a web page, the base HTML file is first downloaded, and then the referenced elements, such as image files are requested by the web browser, downloaded, and integrated into the web page. Moreover, even the Examiner's own definition above (web page is defined as "a web page consists of an HTML file, with **associated** files for graphics and scripts, in a particular directory on a particular machine") bears out the patentable distinction between applicants' "**graphics file** residing in the memory" with the "**graphics file defining higher priority portions and lower priority portions**" (i.e., internally dividing a graphics file into higher priority portions and lower priority portions) and Nielsen's prioritizing of different external (i.e., **associated**) elements or objects among themselves.

Therefore, applicants reading of Nielsen finds a reference that discloses the download prioritization of different external elements referenced by an HTML document (see Nielsen Abstract, col. 3, lines 8 - 10, and col. 1, lines 51 - 54), but does not disclose a "**graphics file** residing in the memory" with the "**graphics file defining higher priority portions and**

lower priority portions" (i.e. a **graphics file** being a single, self-contained file in the sense that it defines/contains internally "higher priority portions and lower priority portions" as opposed to referencing external elements or objects outside itself) as claimed by the applicants and described previously. To the contrary, Nielsen describes downloading the "Web File", and then those elements which are external to that "Web File," and un-cached on the receivers' machine, are sorted by the receiver and retrieved in a prioritized manner. See Nielsen col. 8, lines 40 - 46. Applicant notes that Nielsen discloses a sort that takes place on information elements that are external to the Web File. See Nielsen col.1, lines 39 - 42, 51 - 54. In contrast, Applicant's claimed invention sort takes place on internal portions of the graphics file, prior to downloading the graphics file. Applicant further notes that Nielsen discloses that the receiver sorts the external elements. See Nielsen col. 8, lines 40 - 48. In contrast, in Applicant's claimed invention, the creator of the graphics file sorts the constituent elements of the graphics file.

Thus, applicants submit independent claims 1, 8, 14, 23, 31 and 35 are patentably distinct over Nielsen. Furthermore, as claims 2-7, 9-13, 15-22, 24-30, 32-34 and 36-40 depend from, and include all the limitations of their respective independent claims, they are also submitted to be patentably distinct.

Moreover, regarding claim 2, 8, 17, 23 and 35 the Examiner stated that Nielsen discloses that a receiving computer receives portions of the image file, such that the image viewer can display the higher priority portions of the image file before displaying the lower priority portions of the image file. The Examiner further stated that while Nielsen does not explicitly disclose that "an image interpreter," it is inherent in the web browser in order to display the received image file on the display device. The examiner concluded it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Applicant agrees with the Examiner that an image interpreter is an inherent feature of a web browser. However, Applicant points out that it is the prioritizing of the internal elements of a graphics file, prior to transmittal to the receiver of that file, which is claimed by Applicant. Nielsen does not disclose the prioritization of the "Web File" such that the higher priority elements of that "Web File" are received before the lower priority elements. Nielsen discloses only that external objects, "web objects," which are referenced within the "Web File" are prioritized. See Nielsen, col. 1, lines 51 - 54.

Regarding claims 3, 9, 18, 26 and 38 the Examiner stated that Nielsen discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of an image to be selected and assigned at least one priority.

Applicant respectfully disagrees with the Examiner. Nielsen does not disclose that constituent portions of a graphics file are prioritized, but rather discloses that objects existing outside of the bounds of the "Web File", but referenced within that Web File, are prioritized. See Nielsen, Abstract, col. 1, lines 51 - 57, and col. 6, lines 13 - 23.

For example, Nielsen mentions an HTML image file tag within the confines of the "Web File." See Nielsen, col. 6, lines 13 - 23. This tag, <IMG SRC=mypicture.gif PRIORITY=5>, is an reference to an image file, mypicture.gif, which exists, as a whole, outside of the bounds of the "Web File." Applying Applicant's invention in this context, the elements of the file mypicture.gif would be prioritized within the confines of the file.

Regarding claim 6, the Examiner stated that Nielsen discloses that the graphics files format comprises a plurality of portions of the image, each portion corresponding to the at least one priority.

Applicant respectfully disagrees with the Examiner. Nielsen discloses a web file with references to objects which are external to the bounds of the web file and it is those external objects which are prioritized for retrieval purposes. See Nielsen, col. 6, lines 13 - 23. Applicant's invention lies in the prioritization of the internal elements of a graphics file, not in any externally referenced objects.

In summary, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in applicant's claims as presently amended. For this reason, allowance of all of applicant's claims, as amended, is respectfully solicited.

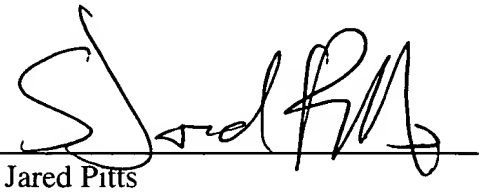
The amendments herein added nine (9) new dependent claims, resulting in fees due of $162.00. Please deduct this $162.00 fee from IBM Corp Deposit Account No. 09-0465. In addition, if any other fees, including extension of time fees, are due as a result of this response, please charge IBM Corp Deposit Account No. 09-0465. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response.

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: June 28, 2001

By 
S. Jared Pitts
Reg. No. 38,579

SCHMEISER, OLSEN & WATTS LLP
18 East University Drive, #101
Mesa, AZ 85201
(480) 655-0073

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 1. (Amended) An apparatus comprising:
at least one processor;
a memory coupled to the at least one processor; and
[an image] a graphics file residing in the memory, the [image] graphics file defining higher priority portions and lower priority portions such that when the [image] graphics file is transferred, the higher priority portions of the [image] graphics file are transmitted before the lower priority portions of the [image] graphics file.

Claim 2. (Amended) The apparatus of claim 1 further comprising a receiving computer receiving portions of the [image] graphics file, the receiving computer comprising an image interpreter and an image viewer residing on the receiving computer, the image interpreter translating the received portions of the [image] graphics file into image data, such that the image viewer can display the higher priority portions of the [image] graphics file before displaying the lower priority portions of the [image] graphics file.

Claim 3. (Amended) The apparatus of claim 1 further comprising an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of [an image] the graphics file to be selected and assigned at least one priority.

Claim 4. (Amended) The apparatus of claim [1] 3 further comprising an image interpreter, the image interpreter saving the [image] graphics file in a prioritized graphics file format.

Claim 5. (Previously Amended) The apparatus of claim 4 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 6. (Amended) The apparatus of claim 4 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 7. (Amended) The apparatus of claim 1 wherein the apparatus further comprises a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the [image] graphics file, the simulation browser adding a delay between portions of the [image] graphics file.

Claim 8. (Amended) An apparatus comprising:

a transmitting computer comprising:

c) at least one processor;

b) a memory coupled to the at least one processor;

c) an [image] graphics file residing in the memory, the [image] graphics file defining higher priority portions and lower priority portions such that, when the [image] graphics file is transmitted, the higher priority portions of the [image] graphics file can be transmitted before the lower priority portions of the [image] graphics file; and

a receiving computer receiving the [image] graphics file as received data from the transmitting computer, the receiving computer including:

a) at least one processor;

b) a memory coupled to the at least one processor;

c) an image viewer residing in the memory;

d) an image interpreter residing in the memory and cooperating with the image viewer to allow the image viewer to display received images, the image viewer translating the received data into image data to allow the image viewer to display the image data corresponding to the higher priority portions of the [image] graphics file before displaying the image data corresponding to the lower priority portions of the [image] graphics file.

Claim 9. (Amended) The apparatus of claim 8 wherein the transmitting computer further comprises an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of [an image] the graphics file to be selected and assigned at least one priority.

Claim 10. (Amended) The apparatus of claim 9 wherein the transmitting computer further comprises an image interpreter, the image interpreter saving the [image] graphics file in a prioritized graphics file format.

Claim 11. (Previously Amended) The apparatus of claim 10 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 12. (Amended) The apparatus of claim 10 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 13. (Amended) The apparatus of claim 8 wherein the transmitting computer further comprises a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the [image] graphics file, the simulation browser adding a delay between portions of the [image] graphics file.

Claim 14. (Amended) A program product comprising:

an image interpreter for creating a transmission [image] graphics file, the transmission [image] graphics file defining higher priority portions and lower priority portions such that when the transmission [image] graphics file is transferred, the higher priority portions of the transmission [image] graphics file are transmitted before the lower priority portions of the transmission [image] graphics file; and signal bearing media bearing the image interpreter.

Claim 15. (Unchanged) The program product of claim 14 wherein the signal bearing media comprises transmission media.

Claim 16. (Unchanged) The program product of claim 14 wherein the signal bearing media comprises recordable media.

Claim 17. (Amended) The program product of claim 14 wherein the image interpreter can translate received portions of a reception [image] graphics file into image data, such that an image viewer can display the higher priority portions of the reception [image] graphics file before displaying the lower priority portions of the reception [image] graphics file.

Claim 18. (Amended) The program product of claim 14 further comprising an image prioritization editor, the image prioritization editor allowing at least one portion of [an image] the graphics file to be selected and assigned at least one priority.

Claim 19. (Amended) The program product of claim 18 wherein the image interpreter can save the [image] graphics file in a prioritized graphics file format.

Claim 20. (Previously Amended) The program product of claim 19 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 21. (Amended) The program product of claim 19 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 22. (Amended) The program product of claim 14 wherein the program product further comprises a simulation browser for simulating transmission and reception of the transmission [image] graphics file, the simulation browser adding a delay between portions of the transmission [image] graphics file.

Claim 23. (Amended) A program product comprising:

an image interpreter for creating a transmission [image] graphics file, the transmission [image] graphics file defining higher priority portions and lower priority portions such that when the transmission [image] graphics file is transferred, the higher priority portions of the transmission [image] graphics file are transmitted before the lower priority portions of the transmission [image] graphics file, the image interpreter also for translating received portions of a reception [image] graphics file into image data, such that an image viewer can display the higher priority portions of the reception [image] graphics file before displaying the lower priority portions of the reception graphics file; and

signal bearing media bearing the image interpreter.

Claim 24. (Unchanged) The program product of claim 23 wherein the signal bearing media comprises transmission media.

Claim 25. (Unchanged) The program product of claim 23 wherein the signal bearing media comprises recordable media.

Claim 26. (Amended) The program product of claim 23 further comprising an image prioritization editor for allowing at least one portion of [an image] the graphics file to be selected and assigned at least one priority.

Claim 27. (Amended) The program product of claim 26 wherein image interpreter can save the [image] graphics file in a prioritized graphics file format.

Claim 28. (Previously Amended) The program product of claim 27 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 29. (Amended) The program product of claim 27 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 30. (Amended) The program product of claim 23 further comprising a simulation browser for simulating transmission and reception of the transmission [image] graphics file, the simulation browser adding a delay between portions of the transmission [image] graphics file.

Claim 31. (Amended) A method for transmitting [an image] a graphics file from a computer, the method comprising the steps of:

a) selecting at least one portion of the [image] graphics file;

b) assigning a priority to the selected at least one portion to create a prioritized [image] graphics file; and

c) transmitting the prioritized [image] graphics file such that the higher priority portions are transmitted before the lower priority portions.

Claim 32. (Amended) The method of claim 31 further comprising the step of saving the prioritized [image] graphics file in [an image file, the image file comprising] a prioritized graphics file format.

Claim 33. (Previously Amended) The method of claim 32 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 34. (Amended) The method of claim 32 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 35. (Amended) A method for transmitting [an image] a graphics file from a transmitting computer and receiving the [image] graphics file on a receiving computer, the method comprising the steps of:

a) performing the following steps on the transmitting computer:

iii) selecting at least one portion of [an image] the graphics file;

ii) assigning a priority to the selected at least one portion to create a prioritized [image] graphics file; and

iii) transmitting the prioritized [image] graphics file such that the higher priority portions are transmitted before the lower priority portions;

b) performing the following steps on the receiving computer:

i) receiving a portion of the [image] graphics file;

ii) translating the portion of the [image] graphics file into image data;

iii) determining the location of the portion of the [image] graphics file; and

iv) transferring the image data and the location to an image viewer such that the image viewer can display the portion of the [image] graphics file at the location.

Claim 36. (Amended) The method of claim 35 wherein the step of transmitting the prioritized [image] graphics file such that the higher priority portions are transmitted before the lower priority portions further comprises the following steps:

A) simulating transmission and reception of a portion of the [image] graphics file;
B) translating the portion of the [image] graphics file into image data;
C) determining the location of the portion of the [image] graphics file;
D) transferring the image data and the location to an image viewer such that the image viewer can display the portion of the [image] graphics file at the location
E) waiting a delay; and
F) repeating steps A through E until the entire [image] graphics file has been transmitted and received.

Claim 37. (Amended) The method of claim 35 wherein the step of translating the portion of the [image] graphics file into image data further comprises the step of decompressing the portion of the [image] graphics file.

Claim 38. (Amended) The method of claim 35 further comprising the following step that is performed on the transmitting computer:

iv) saving the prioritized [image] graphics file in [an image file, the image file comprising] a prioritized graphics file format.

Claim 39. (Previously Amended) The method of claim 38 wherein the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 40. (Amended) The method of claim 38 wherein the graphics file format comprises a plurality of portions of the [image] graphics file, each portion corresponding to the at least one priority.

Claim 41. (New) The apparatus of claim 1 wherein the graphics file comprises a joint picture experts group file.

Claim 42. (New) The apparatus of claim 1 wherein the graphics file comprises a graphics interchange format file.

Claim 43. (New) The apparatus of claim 1 wherein the graphics file comprises a bitmap file.

Claim 44. (New) The program product of claim 14 wherein the graphics file comprises a joint picture experts group file.

Claim 45. (New) The program product of claim 14 wherein the graphics file comprises a graphics interchange format file.

Claim 46. (New) The program product of claim 14 wherein the graphics file comprises a bitmap file.

Claim 47. (New) The method of claim 31 wherein the graphics file comprises a joint picture experts group file.

Claim 48. (New) The method of claim 31 wherein the graphics file comprises a graphics interchange format file.

Claim 49. (New) The method of claim 31 wherein the graphics file comprises a bitmap file.